

of justice for the county of DeWitt, approved March 9th., 1848 ; reported the same back to the Senate with a substitute for the 3rd section, and recommend its adoption and the passage of the bill.

*Substitute for the 3rd section.*

SECTION. *Be it further enacted*, That the fifth section of said act, shall be so amended as to read as follows :

SEC. 5. *Be it further enacted*, That all persons who are legal and qualified voters for the State and county Officers, in said county, shall be deemed qualified voters, for the location of said county seat.

A bill to establish and incorporate a literary institution under the supervision and control of the Eastern Texas Annual Conference, located at or near the town of Henderson, Rusk county, in this State ; read 1st time

On motion of Mr. Gage the rule was suspended, bill read 2nd time and referred to the committee on Education.

A bill to incorporate the Mount Vernon male and female academies ; read 1st time.

A bill to amend the first section of an act, entitled an act to regulate the license and practice of Attorney and Counsellors at law, approved May 12th, 1846 ; read 1st time.

On motion of Mr. Parker, the Senate adjourned until 3 o'clock p. m.

3 o'clock p. m.

Senate met—no quorum. On motion of Mr. Portis the Senate adjourned.

MONDAY, 9 o'clock, A. M., January 14th, 1850.

The Senate was called to order by the President. Senators present—Messrs. Brashear, Burleson, Gage, Grimes, Hart, Kinney, Latimer, McRea, Moffett, Parker, Robertson, Taylor, Truit, Walker and Wallace.

Prayer by the Chaplain. The Journal of Saturday was read and adopted.

Mr. Burleson introduced a bill to incorporate the Lockhart Academy, in the county of Caldwell ; read 1st time. On motion of Mr. Burleson, the rule was suspended ; bill read 2nd time and referred to the committee on Education.

Mr. Walker introduced a bill supplementary to "an act to secure to all actual settlers within the limits of the colony granted to Peters and others, commonly known as Peters' Colony, the lands to which they are entitled as colonists;" read 1st time. Mr. Walker moved to suspend the rule that the bill might be read 2nd time; lost.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred the petition of William Primm and the resolution responsive thereto, reported the same back to the Senate, and recommended that the same be laid on the table.

Mr. Phillips, from the same committee, reported back to the Senate, "A bill to incorporate the City of Brownsville," with the following amendments, and recommended their adoption and the passage of the bill:

Amendments. In the 1st section 18th line, strike out all after the word "the" and inserts as follows:

"Right title and interest of the State of Texas in and to all the land included within said tract, that was owned by the town of Matamoras on the 17th day of December, 1836, shall be and is hereby relinquished to the corporation of the City of Brownsville and their successors in office, in trust for the use and benefit of said city."

In the 2d section, in the 5th line, strike out the words "public buildings for the use of said city," and insert as follows: "a substantial jail and courthouse for the use of the county of Cameron, and the balance shall be appropriated."

In the 4th section, in the 1st line, after the word "council," strike out all to the word "council" in the 4th line.

In the 9th line after the word "alleys," strike out as far as the words "to fix" in the 10th line.

In the 7th section in the 3d line, after the word "levying," strike out all to the word "taxes," in the 7th line.

In the 12th line, strike out "quarter" and insert "half."

In the 13th section, strike out all after the enacting clause and insert as follows: "that this act take effect immediately."

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill for the relief of Samuel G. Newton; reported the same back to the Senate, and recommended it to their favorable consideration.

Mr. Van Derlip, from the committee on the Judiciary, to whom was referred a bill to change the time of holding the courts in a part of the fourth judicial district, reported the same back to the Senate with an amendment, and recommended its passage.

Amendment: Add the following section: "Sec. 2. Be it fur-



ther enacted, that this act take effect and be in force from and after its passage.

Mr. Porus, chairman of the committee on Education, to whom was referred a bill to amend an act to incorporate Baylor University, approved Feb. 1st, 1845; reported the same back to the Senate, and recommended its passage.

Mr. Robertson, chairman of the Select committee, to which was referred a bill to provide for the liquidation of the public debt of the late Republic of Texas; reported the same back to the Senate with an amendment, and recommended its adoption and the passage of the bill.

Amendment: Insert in the 11th line, 1st section, after the word "scrip," the words "under the seal of the land office."

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill to perfect the land titles in Castro's colony; reported the same back to the Senate with the following amendments, and recommended their adoption and the passage of the bill.

#### *Amendments.*

1st. Insert the word "legal" before "representative," in 2nd line of 1st section.

2d. Strike out the words "more than" in 6th line of 1st section.

3d. Insert "by and with the consent of the Senate," after "commissioner" in 2nd line of 2nd section.

4th. Strike out "ten" and insert "twenty," in 3d line of 9th section.

5th. In 9th section, 6th line, strike out "Governor of the State and his successors in office," and insert "State of Texas."

6th. In 9th section, strike out all after "take" in 7th line to "which" in 8th line.

Mr. Gage presented the memorial of the citizens of Rusk county; read, and on motion of Mr. Gage, referred to the committee on the Judiciary.

Mr. Gage offered the following resolution:

*Resolved*, That the Special committee shall be appointed to consist of one member from each judicial district, whose duty it shall be to take into consideration the subject and propriety of a reorganization of the several judicial districts in this State.

On motion of Mr. Parker, the rule was suspended, and resolution adopted. Messrs. Gage, Pease, Burleson, Cooke, Davis, Wallace, Moffett, Latimer, Parker, Phillips and Van Derlip were appointed said committee.

On motion of Mr. Gage, the resolutions relative to a reorganization of the 6th judicial district was taken up, and referred to the same Select committee.

Mr. Pease, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to amend the 1st, 2d and 3d section of an act concerning divorce and alimony, have considered the same, and believing that a revision of the original act proposed to be amended should be made, they have drawn up an act concerning divorce, which a majority of said committee have directed me to report to the Senate, and recommend that it be adopted as a substitute for the bill referred to them.

Mr. Pease, from the same committee, made the following report:

The committee on the Judiciary, having had their attention called to the fact, that there are a large number of causes pending in the supreme court which can not be tried, because the Judges of said court, or a portion of them, are disqualified by law from trying them, or because there is an equal division of opinion of said Judges, believe that some law is necessary to provide for the disposition of said causes, and they have directed me to report the accompanying bill to be entitled an act providing for the trial of causes in the supreme court, in which the said court, or any two of its members may be disqualified to act, and in which there may be an equal division of opinion of said Judges; and recommend it to the favorable consideration of the Senate.

A bill providing for the trial of causes in the supreme court in which the said court or any two of its members may be disqualified to act, and in which there may be an equal division of opinion of said Judges; read 1st time.

Mr. Portis, chairman of the committee on Education, to whom was referred a bill to establish and incorporate a literary institution under the supervision and control of the Eastern Texas Annual Conference, located at or near the town of Henderson, Rusk county, in this State; reported the same back to the Senate, and recommended its passage.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported a bill to incorporate the town of Castroville, and a bill to amend an act regulating attachments, approved March 11th, 1848, correctly enrolled.

Mr. Ward, from the same committee, reported joint resolution for the relief of the heirs of William Mockford correctly enrolled.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported the following bills and joint resolutions correctly engrossed :

Joint resolution requiring the Clerk of the County Court of Austin county to record all the proceedings of the Alcalde courts



and the Ayuntamiento, which may be at this time in his office.

A bill to quiet land titles west of the river Nueces

An act for the benefit of the heirs of James Ury, dec'd.

A bill for the relief of the heirs and legal representatives of John C. Ogden.

An act to authorise the Commissioner of the General Land Office to issue a headright certificate to Gay M. Bryan.

An act requiring the Commissioner of the General Land Office to issue a certificate of one-third of a league of land to the heirs of Montgomery Baxter.

An act for the relief of W. K. Melton.

An act for the relief of James Hall, administrator of Richard Hall, dec'd.

A bill to reserve to every head of a family, certain property, and to exempt the same from forced sale under execution or otherwise.

Mr. Wallace, chairman of the Select committee, to which was referred the act concerning crimes and punishments, with instructions to report amendments thereto; reported the following bill and recommended it to the favorable consideration of the Senate.

A bill supplementary to an act concerning crimes and punishments, approved March 20th, 1848; read 1st time.

On motion of Mr. Pease, the rule was suspended, and bill read 2d time.

Mr. Taylor moved to amend the bill by striking out the 27th section, upon which the yeas and nays were called and stood as follows:

Yeas—Messrs. Brashear, Gage, Hart, Latimer, Taylor, Truit, Ward and Walker—8.

Nays—Messrs. Burleson, Cook, Davis, Grimes, Kinney, McRae, Moffett, Parker, Pease, Portis, Robertson, Van Derlip and Wallace—13. Rejected.

Mr. Gage offered the following proviso to the 27th section:

"Provided the provisions of this section shall not extend to any person cutting down and carrying away any timber for the purpose of repairing waggons or yokes, or to make fires necessary to the travellers—provided such persons be liable to pay a reasonable price for such timber." Rejected by the following vote:

Yeas—Messrs. Cooke, Gage, Latimer, Parker, Taylor, Truit, Ward, Walker and Wallace—9.

Nays—Messrs. Burleson, Davis, Grimes, Hart, Kinney, McRae, Moffett, Pease, Portis, Robertson and Van Derlip—11.

Mr. Gage moved to amend by striking out all that relates to imprisonment in the 27th section. Rejected.

Mr. Gage moved to amend by striking out the 55th section. Rejected. The bill was then ordered to be engrossed.

#### ORDERS OF THE DAY.

A bill for the relief of William K. Melton; read 3d time and passed.

Resolutions of the Legislature of the State of Texas on the subject of Slavery; read.

On motion of Mr. Robertson, the motion to reconsider the vote which adopted the amendment inserting "a portion of" before "our" in first resolution, was taken and vote reconsidered.

On motion of Mr. Latimer, the first resolution was stricken out. The resolutions were then ordered to be engrossed.

Mr. Portis introduced a bill for the relief of the heirs and legal representatives of Willis A. Farris, dec'd.; read 1st time.

Mr. Cook presented the petition of sundry citizens of Leon county, praying to have the February term of their County court changed; read, and on motion of Mr. Cook, referred to the committee on the Judiciary.

A message was received from the House of Representatives, informing the Senate that the House had concurred in all the amendments, (except the 2d) of the Senate to a bill to provide for holding an election for the permanent location of the seat of government of the State; also, that the House had passed a bill for the relief Gen. Memucan Hunt.

Mr. Pease introduced a bill supplementary to an act regulating elections, passed March 16th, 1848; read 1st time.

On motion of Mr. Gage, the rule was suspended; bill read 2d time and referred to the committee on the Judiciary.

Mr. Pease introduced the following bills, which were severally read a 1st time:

A bill making an appropriation to pay for the printing the laws and constitution in the German language.

A bill relative to suits by joint tenants, and tenants in common of lands; and,

A bill to incorporate the Galveston Lodge, No. 3, of the Independent order of Odd Fellows.

The Senate insisted upon their 2d amendment to a bill to provide for holding an election for the permanent location of the seat of government of the State, and Messrs. Van Derlip, Grimes and Brashear were appointed a committee of conference on said bill.

Mr. Cook, chairman of the committee on Claims and Accounts, to whom was referred a bill for the relief of Thomas Wm. Ward,



reported the same back to the Senate without amendment and recommended its passage.

Mr. Robertson made the following report:

The committee of conference, to whom was referred the amendments of the House of Representatives to a bill to regulate ferries, in which amendments the Senate refused to concur, have met and agreed to recommend that the House recede from its amendments; all of which, is respectfully submitted.

J. B. ROBERTSON,

*Chairman on the part of the Senate.*

R. E. CLEMENTS,

*Chairman on the part of the House.*

A bill to secure to the German Emigration Company and their colonists, the lands to which they are entitled and to adjust the liabilities of said company; read.

On motion of Mr. Van Derlip, the motion to reconsider the vote which amended the 2d section, by striking out "elected by joint vote of both Houses of the Legislature," and inserting "appointed by the Governor, by and with the advice and consent of the Senate," was taken up, and vote reconsidered by the following vote:

Yeas—Messrs. Burleson, Gage, Grimes, Latimer, McRae, Moffet, Parker, Pease, Taylor, Truit, Van Derlip, Walker and Wallace—13.

Nays: Messrs. Cook, Davis, Hart, Kinney, Portis, Robertson and Ward—7.

The question then recurred on the adoption of the amendment, upon which the yeas and nays were called, and were as follows:

Yeas: Messrs. Brashear, Cooke, Kinney, Latimer, Pease, Portis, Robertson, Taylor and Ward—9.

Nays: Messrs. Burleson, Davis, Gage, Grimes, McRae, Moffet, Parker, Truit, Van Derlip, Walker and Wallace—11. Rejected.

Mr. Portis offered to amend as follows:

Strike out in 2d section "a certificate for ten sections," and insert "ten certificates for a section each to ten sections." Strike out "a certificate for ten half sections," and insert "ten certificates for a half section each to ten half sections." Adopted.

On motion of Mr. Robertson, the bill was laid on the table and made the special order of the day for to-morrow.

On motion of Mr. Latimer, the Senate adjourned until 3 o'clock, P. M.

3 o'clock, P. M.

The Senate met—quorum present.

Mr. Pease moved, that the Secretary of the Senate be required to inform the House of Representatives that the joint resolution granting the right of way to the United States for a rail road to the Pacific ocean, which was reported to them this day, as having passed the Senate, was so reported incorrectly, the said resolution not having passed the Senate, in accordance with the provisions of the Constitution, and that said Secretary request the House to return said joint resolution to the Senate; upon which, the yeas and nays were called, and were as follows:

Yeas: Messrs. Burleson, Davis, Gage, Grimes, Pease, Phillips, Van Derlip and Wallace—8.

Nays: Messrs. Brashear, Cooke, Hart, Latimer, Moffett, Parker, Portis, Robertson, Taylor, Truit, Ward and Walker—12.  
Lost.

A bill to reserve to every head of a family, certain property, and to exempt the same from forced sale, under execution or otherwise; read 3d time and passed.

A bill to establish the La Salle and El Paso Railway Company; read 3d time and passed, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Latimer, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—17.

Nays: Mr. Gage—1.

A bill for the relief of the heirs and legal representatives of John C. Ogden; read 3d time and passed.

A bill for the relief of James Hall, administrator of Richard Hall, dec'd; read 3d time and passed.

A bill requiring the Commissioner of the General Land Office to issue a certificate for one-third of a league of land to the heirs of Montgomery Baxter; read 3d time and passed.

A bill to authorise the Commissioner of the General Land Office to issue a headright certificate to Guy M. Bryan; read 3d time and passed.

A bill for the benefit of the heirs of James Ury, dec'd; read 3d time and passed.

Joint resolution requiring the Clerk of the County court of Austin county, to record all the proceedings of the Alcalde courts and the Ayuntamientos, which may be at this time in his office; read 3d time and passed.

Joint resolution relative to extending the jurisdiction of the State of Texas over the south half, and criminal jurisdiction



over the whole of a certain portion of Red River; read 3d time and passed.

A bill to provide for the enumeration of the inhabitants of the State of Texas, for the year 1851; read 3d time and passed.

On motion of Mr. Brashear, the Senate adjourned.

TUESDAY, 9 o'clock A. M., January 15, 1850.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Mopett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace. Prayer by the Chaplain. The Journals of yesterday were read and adopted.

Mr. Gage, chairman of the committee on county boundaries, to whom was referred a bill to create the County of Bell, reported the same back to the Senate without amendment and recommended its passage.

Mr Ward, from the committee on enrolled bills, reported that the following bills were presented to the Governor for his approval on the 11th instant, viz:

A bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the constitution, "and a joint resolution for the relief of the heirs of William Mockford."

Mr. Pease, from the judiciary committee, to which was referred a bill supplementary to an act to organize County Courts, passed March 16, 1848, reported the same back to the Senate and recommended its passage.

Mr. Parker made the following report:

Hon. JOHN A. GREER, *President of the Senate*,

C. G. KEENAN, *Speaker of the House of Representatives*:

The committee on the Penitentiary of the two houses of the Legislature acting jointly, to whom was referred the report of the joint select committee raised for the purpose of examining the Penitentiary, have given to the subject the deliberation that its importance required, and ask leave to submit the accompanying bill, which is drawn and intended to carry out the suggestions of the select committee in their report, and recommend it to the favorable consideration of the Legislature.

It will be necessary to make an appropriation of several thou-